

REMARKS

Summary

This Amendment is responsive to the Office Action mailed on May 21, 2003. Claim 1 is amended. Claims 1-21 are pending.

Claims 1, 2, and 5 stand rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Odell (US 4,444,310).

Claims 1-8 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Stone (US 5,732,821) in view of Bond (US 6,051,186).

Claims 1-21 stand rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Stone in view of Baker (US 6,077,485).

Applicant respectfully traverses these rejections in view of the comments which follow.

Discussion of Amended Claim and the Present Invention

Claim 1 is amended to specify that the separate chambers of the container are formed by intermediate walls of the container which divide the receiving area. Claim 1 is further amended to clarify that each chamber has a separate cover.

Applicant's claimed invention as set forth in claim 1 is directed toward a sterile container having a plurality of separate chambers. The separate chambers are formed by intermediate walls of the container. Each chamber has its own separate cover. See, e.g., Applicant's specification on page 7, second and third paragraphs.

One advantage of the present invention is that the container may contain, for example, surgical instruments in each chamber. Since each chamber has its own separate cover, only the chamber containing a desired instrument to be used may be opened, such that the other chambers remain unopened and sterile (see, e.g.,

Applicant's specification, page 2, second and third paragraphs).

Discussion of Odell

Odell discloses a segmented multi-product package assembly which includes a tray 11 having a plurality of receptacles 12 (Col. 3, lines 26-29; Figure 1). A flexible cover 27 covers the receptacles 12 (Col. 3, lines 54-55; Figure 1).

Odell discloses that the cover 27 is a common cover for all the receptacles 12 (see, e.g., Figure 1). Therefore, with the container of Odell, once the cover is opened, more than one receptacle will be exposed. In contrast, with Applicant's sterile container, each chamber has its own separate cover. Therefore, with Applicant's invention, each container may be opened separately without exposing any other chambers.

Odell does not disclose or remotely suggest a sterile container having a plurality of chambers where each chamber has its own separate cover, as claimed by Applicants.

Discussion of Stone

Stone discloses a sterilization case 11 including a base 200 and a cover 202 (Col. 4, lines 26-28). The sterilization case 11 also includes first, second and third containers 13, 18, and 24 (Col. 4, lines 44-46). The containers are removably secured together by a plurality of connectors 70 (Col. 5, lines 7-9). Each container has a lid 60.

Stone therefore discloses a sterilization case which contains a plurality of separate removable sterile containers. Each container 13, 18, 24 is a separate sterile container which may be connected together and inserted into the sterilization case 11.

In contrast, the present invention is directed toward a single sterilization container with a receiving area that comprises a plurality of separate chambers, each chamber having its own separate cover. The separate chambers of Applicant's invention are formed by intermediate walls of the container which divide the receiving area. Therefore, the separate chambers of Applicant's invention are integral to the sterilization container. In contrast, the separate containers 13, 18, 24 of Stone are not separate chambers of the case 11 as they are not formed by intermediate walls of the case 11, but are rather independent containers positioned in a receiving area of the case 11. The receiving area of Stone is formed by the base 200 and the walls of the base. The base 11 of Stone does not include intermediate walls which form separate chambers.

Stone does not disclose or remotely suggest a sterilization container wherein the receiving area comprises a plurality of separate chambers, each of which has its own separate cover, as claimed by Applicant. Further, Stone does not disclose or remotely suggest a sterilization container having a plurality of separate chambers formed by intermediate walls of the container which divide the receiving area of the container.

As acknowledged by the Examiner, Stone does not disclose a seal between each chamber and its separate closure element.

The Examiner cites to Baker and Bond as disclosing a sealing element. However, neither Baker nor Bond discloses a sterile container having separate seals between each of a plurality of chambers and its own separate cover, as claimed by Applicants. Bond discloses a seal 9A which seals a single lid 7 of the sterile container. Similarly, Baker discloses a gasket 25 which seals a single lid 22 of the sterile container.

Neither Baker nor Bond discloses or remotely suggests a sterile container having a plurality of chambers each with its

own separate cover as a closure element, with a seal between each chamber and its closure element, as claimed by Applicant.

Applicant respectfully submits that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Odell or Stone, taken alone or in combination with Baker or Bond, or any of the other references of record.

Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the above discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

**Conclusion**

In view of the above, the Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,

  
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